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RETURN DATE: SEPTEMBER 5, 2023 : SUPERIOR COURT

ELM CITY MFG. JEWELERS, INC. and NEW : JUDICIAL DISTRICT OF NEW
BEGINNINGS CHURCH OF GOD IN HAVEN
CHRIST, INC.

VS. : AT NEW HAVEN

HAMDEN ZONING BOARD OF APPEALS, : AUGUST 3, 2023
FFDC EJV LLC, FFDC EJV II LLC and RAZA
REALTY LLC

CITATION

TO ANY PROPER OFFICER, GREETING:

By authority of the State of Connecticut, you are hereby commanded to summon the HAMDEN ZONING BOARD OF APPEALS, FFDC EJV LLC, FFDC EJV II LLC and RAZA REALTY LLC to appear before the Superior Court for the Judicial District of New Haven at New Haven on September 5, 2023, (the appearance not to be in person but to be made by the parties or their attorney by filing a written statement of appearance with the clerk of the Superior Court whose address is 235 Church Street, New Haven, Connecticut, on or before the second day following the return date) then and there to answer unto the appeal/complaint of ELM CITY MFG. JEWELERS, INC., a Connecticut corporation with an address of 29 Marne Street, Hamden, CT 06514 and NEW BEGINNINGS CHURCH OF GOD IN CHRIST, INC., a Connecticut corporation with an address of 21 Pershing St, Hamden, CT 06514 by leaving two true and attested copies of this Appeal/Complaint and of this Citation and Recognizance With Surety with the Town Clerk of the Town of Hamden, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT 06518, in accordance with C.G.S. §52-57(b)(5) (two copies); by leaving a true and attested copy of this Appeal/Complaint and of this Citation and Recognizance

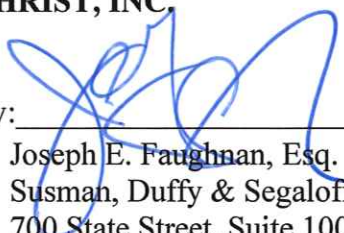
With Surety, in accordance with law with or in the hands of FFDC EJV LLC, 40 Woodland St, Hartford, CT 06105, through its Agent for Service: FFD CENTRAL, LLC, 40 Woodland St, Hartford, CT 06105; by leaving a true and attested copy of this Appeal/Complaint and of this Citation and Recognizance With Surety, in accordance with law with or in the hands of FFDC EJV II LLC, 40 Woodland St, Hartford, CT 06105, through its Agent for Service: FFD CENTRAL, LLC, 40 Woodland St, Hartford, CT 06105; and by leaving a true and attested copy of this Appeal/Complaint and of this Citation and Recognizance With Surety, in accordance with law with or in the hands of RAZA REALTY LLC, 37 Cardo Rd, Hamden, CT, 06517, through its Agent for Service: NASAR RAZA, 37 Cardo Rd, Hamden, CT, 06517.

Timothy M. Reilly, 23 Cambridge Dr., Cromwell, Connecticut, 06416, is recognized in a sufficient amount of \$500.00 to prosecute the foregoing complaint and appeal to effect and comply with the orders and decrees of the Court.

HEREOF FAIL NOT, but due service and return make.

Dated at New Haven, Connecticut this 3 day of August, 2023.

**THE PLAINTIFFS/APPELLANTS,
ELM CITY MFG. JEWELERS, INC. and
NEW BEGINNINGS CHURCH OF GOD IN
CHRIST, INC.**

By: 
Joseph E. Faughman, Esq.
Susman, Duffy & Segaloff, P.C.
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New Haven, CT 06511
Telephone: (203) 654-2615
Juris No. 062505
Their Attorneys

RETURN DATE: SEPTEMBER 5, 2023 : SUPERIOR COURT

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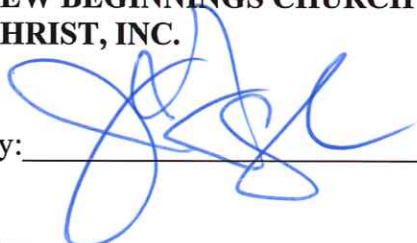
HAMDEN ZONING BOARD OF APPEALS, : AUGUST 7, 2023
FFDC EJV LLC, FFDC EJV II LLC and RAZA
REALTY LLC

RECOGNIZANCE WITH SURETY

ELM CITY MFG. JEWELERS, INC. and Anthony Cuomo, President, 29 Marne Street, Hamden, Connecticut 06514 and NEW BEGINNINGS CHURCH OF GOD IN CHRIST, INC. and Bishop Robert L. Middleton, Jr., 21 Pershing St, Hamden, Connecticut 06514, as principals, and Timothy M. Reilly, 23 Cambridge Dr., Cromwell, Connecticut, 06416, as surety, acknowledge themselves jointly and severally bound unto the Hamden Zoning Board of Appeals in a recognizance of \$500.00, that the principals shall prosecute to effect the appeal which they have taken against the Hamden Zoning Board of Appeals, et al, brought to the Superior Court at New Haven, in and for the Judicial District of New Haven, on the first Tuesday of September, 2023, and that said principals shall comply with the orders and decrees of said Court, and that the principals shall pay any costs for which judgment may be rendered against them thereon.

Dated at New Haven, Connecticut this 3 day of August, 2023.

**THE PLAINTIFFS/APPELLANTS,
ELM CITY MFG. JEWELERS, INC. and
NEW BEGINNINGS CHURCH OF GOD IN
CHRIST, INC.**

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ELM CITY MFG. JEWELERS, INC. and NEW : JUDICIAL DISTRICT OF NEW
BEGINNINGS CHURCH OF GOD IN HAVEN
CHRIST, INC.

VS. : AT NEW HAVEN

HAMDEN ZONING BOARD OF APPEALS, : AUGUST 3, 2023
FFDC EJV LLC, FFDC EJV II LLC and RAZA
REALTY LLC

APPEAL/COMPLAINT

To the Superior Court for the Judicial District of New Haven at New Haven comes ELM CITY MFG. JEWELERS, INC. and NEW BEGINNINGS CHURCH OF GOD IN CHRIST, INC., appealing from a decision of the Hamden Zoning Board of Appeals and complains and says as follows:

1. The Plaintiff/Appellant ELM CITY MFG. JEWELERS, INC. is a Connecticut corporation, and the owner of the property located at 21 Pershing Street, Hamden, Connecticut.
2. The Plaintiff/Appellant NEW BEGINNINGS CHURCH OF GOD IN CHRIST, INC. is a Connecticut corporation, and the occupant under a lease of the property known as at 21 Pershing Street, Hamden, Connecticut.
3. The Defendant, Hamden Zoning Board of Appeals (the "ZBA" or "Board") is the duly authorized municipal agency authorized to receive, consider, and approve applications for Variances in the Town of Hamden under the Hamden Zoning Regulations (the "Regulations").
4. On or about June 21, 2023, the Defendants, FFDC EJV LLC and FFDC EJV II LLC, filed an application with the Board requesting a Variance from the requirements of Section 678.3 of the Regulations for the properties located at 1586 Dixwell Ave. and 1596 Dixwell Ave.

(Assessor's Map 2326, Blocks 197 and 198) (together the "Subject Property") in the T4 (General Urban) Zoning District to permit a retail establishment for the sale of cannabis and cannabis related products within 400 feet of any place of worship where 500 feet is required pursuant to Section 678.3 of the Regulations (the "Application").

5. The Defendant, RAZA REALTY LLC, is the owner of the Subject Property.

6. The Application was scheduled for Public Hearing on July 20, 2023 (the "Public Hearing").

7. At the Public Hearing, the Applicant described its intended operation at the Subject Property including the sale of cannabis.

8. At the Public Hearing, the Plaintiffs submitted a written objection to the foregoing Application.

9. After the close of the Public Hearing, the Board deliberated on the Application.

10. The Board voted 4-0 to approve the Application without conditions.

11. On July 26, 2023, a notice of the Board's action of July 20, 2023, was published in The New Haven Register which failed to include any reference to its consideration or action on the Defendants' Application.

12. The Plaintiffs/Appellants are statutorily aggrieved by the decision of the Board because they are the owner of a property leased as a place of worship and the occupant of a property used as a place of worship that is within 500 feet of the Subject Property that is the subject of the Board's decision.

13. The Plaintiffs/Appellants are further aggrieved by the decision because the action of the Board in approving the Application was illegal, arbitrary, and in abuse of its discretion and in violation of State law and the Regulations in the following ways:

- a. The Board failed or refused to follow its own Regulations and the mandates of the Connecticut General Statutes in that it failed to describe specifically the exceptional difficulty or unusual hardship upon which its decision is based;
- b. Notice of the decision was not published in accordance with the applicable law;
- c. The reported hardship of the Applicants is self-imposed in that they acquired and/or leased the Subject Property in May and June, 2023, knowing the applicable regulations and requirements of the regulations in terms of the distance between the Subject Property and places of worship;
- d. The Board's decision is based on such other errors of law, procedure and fact as the Record may reveal and as have been alleged;
- e. The Board approved a variance request where no recognized hardship was identified or exists to support the relief granted.

14. This appeal is brought pursuant to Connecticut General Statutes §8-8.

WHEREFORE, the Plaintiffs/Appellants appeal from the decision of the Board and pray for:

A judgment of the Court:

1. sustaining its appeal in this matter and directing that the action of the Hamden Zoning Board of Appeals approving the variance Application of FFDC EJV LLC and FFDC EJV II LLC was illegal, arbitrary, and in abuse of its discretion for all of the aforesaid reasons;
2. overturning the action of the Board;
3. granting such other and further relief as to this Court may deem just and proper.

Dated at New Haven, Connecticut this 3 day of August, 2023.

**THE PLAINTIFFS/APPELLANTS,
ELM CITY MFG. JEWELERS, INC. and
NEW BEGINNINGS CHURCH OF GOD IN
CHRIST, INC.**

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Their Attorneys

Please enter the appearance of:
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Telephone: (203) 654-2615
Juris No. 062505 for the Plaintiffs in this matter

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